

MAR 29 2011

JULIA C. DUDLEY, CLERK
BY: *J. C. Clift*
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ROBERT ALLAN UNGER, JR.,) Civil Action No. 7:10-cv-00563
Petitioner,)
v.) ORDER
BRUCE CONOVER,) By: Hon. James C. Turk
Respondent.) Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that respondent's motion to dismiss is **GRANTED**; petitioner's petition for writ of habeas corpus, pursuant to 28 U.S.C. §2254, is **DISMISSED without prejudice** for failure to exhaust state court remedies; a Certificate of Appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copies of this final order and the accompanying memorandum opinion to the petitioner.

ENTER: This 29th day of March, 2011.

James C. Turk

Senior United States District Judge